

CHAPTER NO. 998

HOUSE BILL NO. 3685

By Representative Russell Johnson

Substituted for: Senate Bill No. 3969

By Senators McNally, Kilby

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, Part 1; Title 39, Chapter 17, Part 4 and Title 55, Chapter 10, Part 4, relative to fees to establish or maintain certain forensic laboratories.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, 39-17-420, is amended by designating present subsection (e) as subdivision (e)(i) and by adding the following language as new subdivision (e)(ii):

(e)

(ii) In addition to all other fines, fees, costs and punishments now prescribed by law, in counties of the ninth (9th) judicial district, a drug testing fee of twenty dollars (\$20.00) shall be assessed upon conviction of a violation of this part whenever a drug analysis is performed by a publicly funded forensic laboratory or other forensic laboratory established for operation within or for use by any such counties. This fee shall be collected by the clerks of the various courts of such counties and forwarded to the appropriate county trustees on a monthly basis and designated for the exclusive use of creating and maintaining a publicly funded forensic laboratory for such counties. The governing body of any county within the ninth (9th) judicial district is authorized to establish a multi-county task force to create and maintain a publicly funded forensic laboratory for use by such counties, and to appoint a member or members thereto. All such funds collected by the clerks of such counties shall be used exclusively to create and maintain such publicly funded forensic laboratory as authorized by the governing body of each county.

SECTION 2. Tennessee Code Annotated, Section 55-10-419, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) In addition to all other fines, fees, costs and punishments now prescribed by law, including the fee imposed pursuant to §55-10-403(h), a blood alcohol or drug concentration test (BADT) fee in the amount of one hundred dollars (\$100) shall be assessed upon conviction for a violation of §§39-13-106, 39-13-213(a)(2), 39-13-218 or 55-10-401, for each

offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained and administered by a law enforcement agency, or where breath, blood or urine has been analyzed by a publicly funded forensic laboratory or other forensic laboratory established for operation or use of any county within the ninth (9th) judicial district for the purpose of determining the alcohol or drug content of such blood. The governing body of any county within the ninth (9th) judicial district is authorized to establish a multi-county task force to create and maintain a publicly funded forensic laboratory for use by such counties, and to appoint a member or members thereto. All such funds collected in such counties pursuant to this section shall be used exclusively to create and maintain such publicly funded forensic laboratory as authorized by the governing body of each county.

SECTION 3. Tennessee Code Annotated, Section 38-6-103, is amended by deleting the last sentence of subsection (d)(1) and by substituting instead the following:

Except when and as provided in this subdivision and subdivision (e)(2), the appropriate clerk, after deducting five percent (5%) as compensation, shall identify such fees to the Tennessee bureau of investigation and remit the same to the state treasury to be expended as appropriated by the general assembly. The appropriate clerk shall, after deducting five percent (5%) as compensation, remit the fees provided in subsection (d) directly to the county trustee of any county in the ninth (9th) judicial district that jointly establishes or operates its own forensic laboratory. Such county trustee shall direct such fees as directed by the multi-county forensic laboratory task force of the ninth (9th) judicial district or the governing body of each county. The governing body of any county in the ninth (9th) judicial district is authorized to appoint a member or members to a multi-county task force of the ninth (9th) judicial district which is authorized to establish, to create and maintain a publicly funded forensic laboratory for use by such counties. All such funds collected by the trustees of such counties shall be used exclusively to create and maintain such publicly funded forensic laboratory as authorized by the governing body of each county.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR